

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**JAMES LAWSON, Individually, and
on behalf of the Estate of BARBARA
LAWSON**

Plaintiff,

v.

**UNITED STATES OF AMERICA
Defendant.**

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CASE NO. 6:22-cv-83

PLAINTIFFS' ORIGINAL COMPLAINT

James Lawson, Individually and on behalf of the Estate of Barbara Lawson, Plaintiffs in the above-referenced action, files this Original Complaint against the Defendant United States of America, and would respectfully show the following:

I. JURISDICTION, VENUE, AND SERVICE OF PROCESS

1. This case arises under the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq., and 28 U.S.C. § 1346(b), for money damages as compensation for personal injuries and wrongful death that were caused by the negligent and wrongful acts and omissions of agents, servants, and/or employees of Family Circle of Care, Athens Clinic, the United States of America, or some agency thereof, under such circumstances where the United States, if a private person, health clinic, and/or medical provider would be liable to Plaintiff in accordance with the laws of the State of Texas.

2. Venue is appropriate in the District Court for the Eastern District of Texas pursuant to 28 U.S.C. §1402(b) because Plaintiff resides within the Eastern District of Texas and because it is the judicial district where the acts and omissions complained of occurred.

3. Plaintiff has fully complied with the provisions of 28 U.S.C. § 2675 and fully exhausted his administrative remedies prior to filing this suit. On November 2, 2020, Plaintiff filed

a Standard Form 95 with the appropriate agency. The agency made a final disposition of this claim on November 9 2021. Suit is therefore ripe pursuant to 28 U.S.C. 2675(a).

4. Defendant United States of America may be served with process in accordance with FED R. CIV. P. 4(i)§§(1), (2), and (3) a by serving a copy of the Summons and Plaintiffs' Original Complaint on Brit Feathersen the United States Attorney for the Eastern District of Texas, by Certified Mail, Return Receipt Requested at his office, United States Attorney, Eastern District of Texas, 110 North College, Suite 700, Tyler, Texas 75702, by serving a copy of the Summons and Plaintiffs' Original Complaint on Merrick Garland, Attorney General of the United States, by Certified Mail, Return Receipt Requested, at the Attorney General's Office, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001, to the attention of the Civil Process Clerk, by sending a copy of the summons and complaint to Family Circle of Care, Athens Clinic, 1001 North Palestine Street Athens, Texas 75751, and by delivering a copy of the summons and complaint to Khoshunda Williams, FNP-C personally, at her place of business located at Family Circle of Care, Athens Clinic, 1001 North Palestine Street Athens, Texas 75751.

II. PARTIES

5. Plaintiff James Lawson is an individual residing in Athens, Smith County, Texas and the surviving son of Barbara Lawson, deceased.

6. Defendant is the United States of America.

III. FACTS

7. The facts alleged as to the parties above are incorporated by reference.

8. On December 10, 2019, Barbara Lawson presented to Athens Family Circle of Care a/k/a Family Circle of Care with complaints of acute and/or new raw, burning chest pain that radiated to her back, pain in her substernum, heartburn, and/or feelings of fullness. She was

evaluated by Khoshunda Williams, FNP-C.

9. At the time and at all times relevant hereinafter, Khoshunda Williams, FNP-C was an agent, servant, representative, and/or employee of Athens Family Circle of Care a/k/a Family Circle of Care and/or Defendant United States of America.

10. At the time and at all times relevant hereinafter, Khoshunda Williams, FNP-C was an agent, servant, representative, and/or employee of Athens Family Circle of Care a/k/a Family Circle of Care and/or Defendant United States of America.

11. Ms. Lawson had a history of hypertension, hyperlipidemia, and hypertension. She had a family history of heart attacks on her maternal and paternal sides and a family history of coronary artery disease.

12. Khoshunda Williams, FNP-C concluded and/or determined that Ms. Lawson was suffering from indigestion, gastroesophageal reflux disease, and/or esophagitis. Khoshunda Williams, FNP-C further concluded and/or determined that Ms. Lawson was not in need of any further immediate care and could return home.

13. On December 11, 2019, Ms. Lawson was brought to UT Cedar Creek Health after being found unresponsive in her home. She was unable to be resuscitated and it was determined that she had suffered cardiac arrest.

14. An autopsy determined that her cause of death was atherosclerotic cardiovascular disease due to severe atherosclerotic stenosis in the left circumflex and right coronary arteries and moderate atherosclerotic stenosis in the left anterior descending coronary artery.

IV. CAUSE OF ACTION

15. The facts alleged as to the parties above are incorporated by reference.

16. Defendant United States of America, through its employees, health clinic, medical

providers, agents, servants, and/or representatives, including Khoshunda Williams, FNP-C and Athens Family Circle of Care a/k/a Family Circle of Care was negligent in one or more of the following ways:

- a. failing to appreciate that Ms. Lawson exhibited signs and symptoms of coronary artery disease and/or myocardial infarction including but not limited to acute and/or new raw, burning chest pain that radiated to her back, pain in her substernum, heartburn, and/or feelings of fullness;
- b. failing to appreciate that Ms. Lawson exhibited signs and symptoms of a cardiac issue including but not limited to acute and/or new raw, burning chest pain that radiated to her back, pain in her substernum, heartburn, and/or feelings of fullness;
- c. failing to enter into a proper differential diagnosis;
- d. failing to consider the possibility and/or probability that Ms. Lawson was suffering from a cardiac issue, coronary artery disease, and/or myocardial infarction;
- e. failing to consider Ms. Lawson's risk factors for cardiac issues, coronary artery disease, and/or myocardial infarction, including her age, sex, medical history, and family history;
- f. concluding that Ms. Lawson was not suffering from a cardiac issue, coronary artery disease, and/or myocardial infarction
- g. failing to ensure that Ms. Lawson received appropriate and sufficient evaluation and treatment
- h. failing to admit Ms. Lawson and/or instruct Ms. Lawson to admit herself to an emergency room and/or hospital;
- i. discharging Ms. Lawson from care;
- j. allowing coronary artery disease and/or myocardial infarction to persist untreated.
- k. allowing coronary artery disease and/or myocardial infarction to persist to the point at which it caused cardiac arrest, massive organ failure, pain, suffering, mental anguish, and death.

17. The aforementioned negligence of the employees, health clinic, medical providers, agents, servants, and/or representatives, including Khoshunda Williams, FNP-C and Athens

Family Circle of Care a/k/a Family Circle of Care, of Defendant United States of America caused Ms. Lawson's injuries, death, and the other damages set forth below.

V. DAMAGES

18. Plaintiffs seek recovery of all damages permitted by Texas law as a result of Defendant United States of America's aforementioned negligence. Specifically, Plaintiff James Lawson, in his individual capacity, seeks recovery of damages for grief and mental anguish, loss of companionship and society, and lost contributions of a pecuniary nature as that term is defined in law. These damages were suffered in the past and will continue in the future as a result of the death of Barbara Lawson.

19. Plaintiff James Lawson seeks on behalf of the estate of Barbara Lawson, Plaintiff compensation for funeral and burial expenses, medical expenses, and the physical pain and suffering and mental anguish that Ms. Lawson experienced prior to her death as a result of the Defendant United States of America's negligence as alleged herein.

VI. REQUEST FOR RELIEF

20. As a result of the foregoing, Plaintiff respectfully requests that Defendant United States of America be cited to appear and answer herein; and that upon final trial and hearing hereof, that Plaintiff have judgment against Defendant United States of America for the amount of his actual damages; for such other and different amounts as he shall show by proper amendment before trial; for post-judgment interest at the applicable legal rate; for all costs of court incurred in this litigation; and for such other and further relief, at law and in equity, both general and special, to which he may show himself to be entitled and as this Court deems just and proper.

WINCKLER & HARVEY, LLP

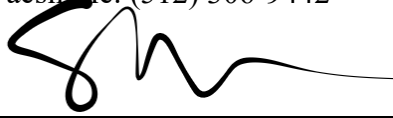
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By:

A handwritten signature in black ink, appearing to read 'Sean McConnell', written over a horizontal line.

Sean McConnell

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ATTORNEYS FOR PLAINTIFFS